

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
March 31, 2022

Name of Offender: **Stephen Hemmes**

Case Number: **2:22CR00004**

Name of Sentencing Judicial Officer: **Honorable William M Conley**

Date of Original Sentence: **January 4, 2018**

Original Offense: **Threatening Communications in Interstate Communication**

Original Sentence: **36 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **June 21, 2019**

Date Jurisdiction Transferred to District of Nevada: **January 10, 2022**

Name of Assigned Judicial Officer: **Honorable Andrew P. Gordon**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 60 days, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program.

☒ **GPS Monitoring (including hybrid GPS).**

This form of location monitoring technology will be used to monitor the following restriction on your movement in the community (choose one):

☒ **You are restricted to your residence every day from 7:00 p.m. to 7:00 a.m., or as directed by the probation officer.**

RE: Stephen Hemmes

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CAUSE

In a report dated February 18, 2022, we informed Your Honor that Hemmes violated his release conditions by testing positive for methamphetamine on December 14, 2021 and January 25, 2022. In response, Hemmes's drug testing was increased, and he was returned to substance abuse treatment. At that time, no punitive action was recommended.

Since the report submitted to the court on February 18, 2022, Hemmes tested positive for methamphetamine on March 15, 2022 and marijuana on March 28, 2022. Hemmes also failed to report for drug testing on March 26, 2022. Hemmes positive test for methamphetamine was confirmed by the National contracted laboratory.

On March 29, 2022, Hemmes reported to the probation office and met with the undersigned officer to discuss his ongoing drug use. Hemmes admitted he used marijuana multiple times beginning the weekend of March 26, through the evening of March 28, 2022. However, Hemmes continues to deny methamphetamine use. Hemmes claims his positive test for methamphetamine was caused by his consumption of Nyquil to alleviate cold symptoms. Hemmes was informed that Nyquil will not confirm positive for methamphetamine. Hemmes has a significant history of methamphetamine abuse and proclivity for violence when under the influence of methamphetamine.

Hemmes is scheduled to complete supervised release on June 20, 2022. It is very concerning that Hemmes appears to be spiraling just a few months shy of his completion date. At the onset of supervision, Hemmes was doing very well, with all drug tests negative. However, as detailed in this report, since December 2021 Hemmes has tested positive on multiple occasions and recently missed a drug test. Hemmes just resumed treatment and has been attending all sessions as required, however, his clinician noted he uses the time primarily to complain about his probation officer. Considering his ongoing drug use and impending completion date, the probation office strongly considered initiating revocation proceedings at this time, as it seems it would be a disservice to Hemmes and the community to simply allow him to expire from supervision while he is struggling with maintaining sobriety. To his credit, he is employed and availing himself to treatment. In lieu of revocation proceedings, the probation office recommends Hemmes's conditions be modified to include a 60 day curfew enforced by location monitoring. Hemmes will be restricted to his residence daily between the hours of 7:00 p.m. and 7:00 a.m. In addition, his clinician has been informed of his drug use to address in a therapeutic setting. Hemmes is currently attending weekly groups and a monthly individual session.

Hemmes was warned next positive drug test will trigger mandatory revocation proceedings under 18 U.S.C. § 3583(g)(4). Hemmes agrees with the proposed modification as witnessed by his signature on the attached Waiver of Hearing Form (PROB 49).

RE: Stephen Hemmes

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Respectfully submitted,



Digitally signed by
Todd Fredlund
Date: 2022.03.31
10:29:07 -07'00'

Todd J. Fredlund
Supervisory U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):



Signature of Judicial Officer

April 1, 2022

Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT

District of Nevada

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Home Confinement with Location Monitoring** – You will be monitored by the form of location monitoring technology indicated below for a period of 60 days, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program.

☒ **GPS Monitoring (including hybrid GPS).**


This form of location monitoring technology will be used to monitor the following restriction on your movement in the community:

☒ **You are restricted to your residence every day from 7:00 p.m. to 7:00 a.m., or as directed by the probation officer.**

Witness


U.S. Probation Officer

Signed


Probationer or Supervised Releasee


Date